

**IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF PENNSYLVANIA**

| | | |
|--------------------------------|---|-----------------------------------|
| COREY BRACEY, |) | |
| |) | |
| Plaintiff, |) | Civil Action No. 11-4 E |
| |) | |
| v. |) | Judge Cathy Bissoon |
| |) | Magistrate Judge Maureen P. Kelly |
| SUPERINTENDENT HARLOW, et al., |) | |
| |) | |
| Defendants. |) | |

MEMORANDUM ORDER

On January 4, 2011, this case was referred to United States Magistrate Judge Maureen P. Kelly for pretrial proceedings in accordance with the Magistrates Act, 28 U.S.C.

§§ 636(b)(1)(A) and (B), and Rules 72.C and 72.D of the Local Rules for Magistrates.

On August 21, 2013, the Magistrate Judge issued a Report (Doc. 195) recommending that Plaintiff's Partial Motion for Summary Judgment (Doc. 142) be denied and Defendants' Motion for Summary Judgment (Doc. No. 170) be granted. Service of the Report and Recommendation was made on the parties, and Plaintiff filed his objections (Doc. 202) on September 6, 2013.

After a de novo review of the pleadings and documents in the case, together with the Report and Recommendation and Plaintiff's objections thereto, the following Order is entered:

Plaintiff's Partial Motion for Summary Judgment (**Doc. 142**) is **DENIED**; Defendants' Motion for Summary Judgment (**Doc. 170**) is **GRANTED**; and the Report and Recommendation of Magistrate Judge Kelly dated August 21, 2013 hereby is adopted as the Opinion of the District Court. Pursuant to 28 U.S.C. §1367(c)(3), this Court declines to exercise supplemental jurisdiction over Plaintiff's remaining state law claims against Defendant Brownlee for alleged

assault and battery. Accordingly, those claims are **DISMISSED without prejudice** to be litigated in state court, and this case shall be marked “closed.”

IT IS SO ORDERED.

September 23, 2013

s/Cathy Bissoon
Cathy Bissoon
United States District Judge

cc (via ECF email notification):

All Counsel of Record

cc (via First-Class U.S. Mail):

Corey Bracey
GS4754
SCI Graterford
PO Box 244
Graterford, PA 19426-0244